

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

SECURITIES AND EXCHANGE )  
COMMISSION, )  
Plaintiff, )  
v. ) Civil Action No. 1:20-cv-853  
DANIEL K. BOICE, *et al.*, )  
Defendant. )

ORDER

On November 23, 2020, United States Magistrate Judge John F. Anderson entered Proposed Findings of Fact and Recommendations (the "Report") in this case, recommending that default judgment be entered in favor of Plaintiff Securities and Exchange Commission (the "SEC") and against Defendant Daniel K. Boice, Trustify, Inc., and GoLean DC, LLC.

Upon consideration of the record and Judge Anderson's Report, to which no objections have been filed, and having found no clear error,<sup>1</sup>

The Court ADOPTS, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 33).

Accordingly,

It is hereby ORDERED that plaintiff's motion for default judgment (Dkt. 28) is GRANTED.

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<sup>1</sup> See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate's report, the court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'").

It is further ORDERED that DEFAULT JUDGMENT be entered in favor of Plaintiff and against: (i) Defendants Boice and Trustify on Counts I and II; and (ii) Defendant GoLean on Count III.

It is further ORDERED that Defendants Boice and Trustify are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, promulgated thereunder by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security: (a) to employ any device, scheme, or artifice to defraud; (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or (c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

It is further ORDERED that, as provided in Rule 65(d)(2), Fed. R. Civ. P., the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons involved in active concert or participation with Defendants or with any described in (a).

It is further ORDERED that Defendants Boice and Trustify are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933, 15 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly: (a) to employ any device, scheme, or artifice to defraud; (b) to make any untrue statement of a material fact or

to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or (c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

It is further **ORDERED** that, as provided in Rule 65(d)(2), Fed. R. Civ. P., the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons involved in active concert or participation with Defendants or with any described in (a).

It is further **ORDERED** that a determination as to disgorgement, prejudgment interest, and as to Defendant Boice, a civil penalty, is hereby **DEFERRED** pending Defendant Boice's sentencing in his related criminal case. Plaintiff is **DIRECTED** to file a motion with respect to the monetary relief sought within **SIXTY (60) DAYS** of Defendant Boice's sentencing in the related criminal case.

It is further **ORDERED** that disposition of any motion with respect to monetary relief is **REFERRED** to Judge Anderson pursuant to 28 U.S.C. § 636 for all further proceedings and for preparation of a prompt report and recommendation.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendants' last known addresses of record, and to place this matter among the ended causes.

Alexandria, Virginia  
March 2, 2021

  
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**T. S. Ellis, III**  
United States District Judge